

ADAM CROWN by MR. SHAHAN

50

1 Q Did there come a time you made a
2 complaint to PESH?

3 A Yes.

4 Q When did you make that complaint?

5 A I don't remember the exact date, went out
6 early in 2010.

7 Q Do you recall the date -- well, withdraw
8 that.

9 When did you start drafting the complaint
10 to PESH?

11 A In 2009.

12 Q And what was the basis for your complaint
13 to PESH?

14 A I don't recall in detail, I can provide
15 you with the document if you want.

16 Q Can you provide me with a synopsis of
17 what the complaint was in your own words?

18 A I observed what I believed to be
19 infractions of safety regulations.

20 Q Can you recall any specific infraction?

21 A Officers not wearing their personal
22 protective gear to the scene, as an example.

23 Q Anything else?

24 A Not checking equipment, not proper

ADAM CROWN by MR. SHAHAN

51

1 training. Training was a major issue.

2 Q Anything else?

3 A I don't recall.

4 Q Handing you what's been marked as Exhibit
5 15 for identification purposes and ask you to
6 take a look at that. Is that the complaint that
7 you filed?

8 A Yes.

9 Q Did that indicate it was received by the
10 Department of Labor on March 11th?

11 A I'm sorry? What was the question?

12 Q Does that indicate it was received by the
13 Department of Labor on March 11th?

14 A Yes.

15 Q And does that indicate on page 2 it was
16 signed by you on March 5th?

17 A Yes.

18 Q Do you know when the fire company became
19 aware of this complaint?

20 A No.

21 Q Did you advise them that you made this
22 complaint?

23 A No.

24 Q Did you go to the meeting on March 12th?

ADAM CROWN by MR. SHAHAN

52

1 A I'm sorry, which meeting are you
2 referring to?

3 Q Meeting with Chief Gaden on March 12,
4 2010?

5 A No.

6 Q I'm handing you what's been marked as
7 Exhibit 9 for identification. Do you recall
8 receiving that letter?

9 A Yes.

10 Q Does that letter advise you you were
11 suspended, correct?

12 A Yes.

13 Q And advised you to attend a Board of Fire
14 Commissioners meeting on March 23rd, correct?

15 A Correct.

16 Q I'm going to hand you what's been marked
17 for identification purposes as Exhibit 10; do you
18 recognize that?

19 A Yes.

20 Q Is that your e-mail address?

21 A I'm sorry?

22 Q Is that your e-mail address?

23 A 21FV@lightning.com?

24 Q Yes.

ADAM CROWN by MR. SHAHAN

53

1 A Yes.

2 Q Do you recall receiving that?

3 A Oh, yes.

4 Q What's the date on that e-mail?

5 A March 14, 2013.

6 Q After receiving that e-mail, did you
7 contact Mr. Butler?

8 A I don't think so.

9 Q After receiving that e-mail, did you
10 contact counsel?

11 A No.

12 Q Were you aware that that e-mail advises
13 you that you have a right to have counsel present
14 at the meeting of March 23rd, correct?

15 A Correct.

16 Q When you went to the meeting on March
17 23rd, did you have counsel with you?

18 A No.

19 Q Did you bring anyone with you to that
20 meeting?

21 A I'm sorry?

22 Q Did you bring anyone with you to that
23 meeting?

24 A No.

ADAM CROWN by MR. SHAHAN

54

1 Q Did anyone come to that meeting --
2 withdraw that.

3 Had you contacted an attorney between the
4 time that you received the e-mail of March 14th
5 and the time you attended the meeting on March
6 23rd?

7 A I don't recall.

8 Q Did you have an attorney at the time?

9 A No.

10 Q When you arrived at the meeting, who was
11 present?

12 A I don't recall.

13 Q Was Mr. Butler present?

14 A Yes.

15 Q Were members of the Board of Fire
16 Commissioners present?

17 A I don't recall which once.

18 Q Was anyone else present?

19 A I don't remember.

20 Q When -- what happened -- what was the
21 first thing that happened at the meeting?

22 A First thing that happened, I'm not sure.

23 Q Did there come a time that you went into
24 executive session?

ADAM CROWN by MR. SHAHAN

55

1 A Yes.

2 Q What happened in executive session?

3 A I'm not sure where to start with this.
4 Can you rephrase it? What are you asking, more
5 specifically, perhaps?

6 Q Well, in executive session, was the Board
7 of Fire Commissioners present during executive
8 session?

9 A I believe some of them were.

10 Q Do you recall who?

11 A No.

12 Q Do you recall whether Mr. Butler was
13 present?

14 A Mr. Butler was present.

15 Q Were you present?

16 A Yes.

17 Q Was anyone else present?

18 A I don't recall.

19 Q Do you recall what was said to you in
20 executive session in the presence of the fire
21 commissioners and Mr. Butler?

22 A Yes.

23 Q What was said to you?

24 A He said he was going to give me an

ADAM CROWN by MR. SHAHAN

56

1 opportunity to resign.

2 Q And were any options given to you if you
3 did not resign?

4 A Yes. If I didn't resign, they were going
5 to defer departmental and criminal charges
6 against me.

7 Q What were the departmental charges going
8 to consist of?

9 A Misconduct.

10 Q Did they provide you with a copy of any
11 charges?

12 A Yes.

13 Q Handing you what's been marked as Exhibit
14 11 for identification purposes. Do you recognize
15 those?

16 A Yes.

17 Q Were those the charges that were given to
18 you at the March 23rd meeting?

19 A I believe they are.

20 Q What happened at that point?

21 A I'm not sure the order of things.

22 Q What's your best recollection as to the
23 order of things?

24 A I think first Mr. Butler said to me they

ADAM CROWN by MR. SHAHAN

57

1 were going to give me an opportunity to resign,
2 and then I undertook to record the incident
3 conversation on my records, to which Mr. Butler
4 protested and I finally acquiesced to turn off
5 the tape recorder in order to find out what the
6 meeting was about.

7 Q What happened at that point?

8 A Then I think he presented this paper with
9 these charges and I said I denied the charges,
10 and I wanted a hearing, and I believe it was at
11 that point that everyone else left and Mr. Butler
12 and I remained alone.

13 Q When he handed you the notice of hearing,
14 which is Exhibit 11, did you read that?

15 A I probably did.

16 Q And you understood that you were going to
17 be provided with a copy pursuant to General
18 Municipal Law?

19 A I think, yeah.

20 Q And you understood there would be a
21 stenographic record made of that hearing?

22 A I didn't know that specifically at the
23 time or not.

24 Q I'll put that back in front of you. Is

ADAM CROWN by MR. SHAHAN

58

1 that what it says in the second paragraph?

2 A Here it is, third paragraph, yes.

3 Q And does it also say that a hearing
4 officer would be appointed?

5 A Yes.

6 Q And that you would have the right to
7 assistance of counsel?

8 A Yes.

9 Q And on the second page, did you have the
10 right to compel the testimony of the witnesses
11 through process available through the Danby Fire
12 Department?

13 A Yes.

14 Q And you had a right to a copy of the
15 stenographic record?

16 A Yes.

17 Q And you would have a right to review the
18 results of the proceeding under Article 78 of the
19 Civil Practice Law and Rules?

20 A Yes.

21 Q Now, at some point Mr. Butler and you
22 remained in the room by yourselves?

23 A That is correct.

24 Q All of the fire commissioners left the

ADAM CROWN by MR. SHAHAN

59

1 room?

2 A Yes.

3 Q Prior to that point, had you seen a
4 letter of resignation?

5 A I don't remember when he showed it to me
6 first.

7 Q You don't remember whether it was in the
8 presence of the fire commissioners or had the two
9 of you met privately?

10 A I don't recall.

11 Q Handing you what's been marked as Exhibit
12 13 for identification purposes. Do you recognize
13 that?

14 A Yes.

15 Q And is that the letter of resignation you
16 were given?

17 A This is the letter I was given.

18 Q And that letter is an unsigned version of
19 that letter, correct?

20 A Correct.

21 Q Has your address on it?

22 A Yes, it does.

23 Q And a place for your signature, correct?

24 A I beg your pardon?

ADAM CROWN by MR. SHAHAN

60

1 Q Has a place for your signature?

2 A It does.

3 Q Did there come time that evening that you
4 signed that letter?

5 A Yes.

6 Q Did you discuss signing that letter with
7 anyone prior to the time you signed it?

8 A Yes.

9 Q Who did you discuss it with?

10 A I discussed it with my wife and I
11 discussed it with my colleague, Linda Wyatt.

12 Q Was Linda Wyatt at the meeting?

13 A She was at the general meetings, she
14 wasn't at the executive session.

15 Q She was at the general fire commissioners
16 meeting?

17 A Yes.

18 Q Was she there at your invitation?

19 A I'm sorry?

20 Q Was she there at your invitation?

21 A No.

22 Q She came of her own accord?

23 A Yes.

24 Q Did she know your matter was going to be

ADAM CROWN by MR. SHAHAN

61

1 on the agenda?

2 A I don't know.

3 Q What did you and Linda Wyatt discuss?

4 A I told her what Mr. Butler had told me
5 and I asked if she had an opinion.

6 Q What had Mr. Butler told you?

7 A He told me if I didn't resign, I was
8 going to be subject to departmental charges and
9 criminal charges.

10 Q When did he tell you that?

11 A I'm sorry?

12 Q When did they tell you that?

13 A He told me that in the course of our
14 conversation.

15 Q The course of your private conversation?

16 A Yes.

17 Q Anything else you recall about that
18 private conversation?

19 A Not offhand.

20 Q What did Ms. Wyatt say to you?

21 A She said the fire company is not worth
22 it, get out from under the charges, don't face
23 criminal charges. That was her advice.

24 Q Handing you what's been marked for

ADAM CROWN by MR. SHAHAN

62

1 identification purposes as Exhibit 14; do you
2 recognize that?

3 A Yes.

4 Q What is that?

5 A This appears to be a copy of the version
6 of this document that I signed.

7 Q Is there a change to the body of that
8 letter?

9 A Yes.

10 Q And what did that change say?

11 A It says, "this shall not include
12 qualification for running or election as fire
13 district commissioner."

14 Q Is that in your writing?

15 A No.

16 Q Whose writing is that, if you know?

17 A Mr. Butler wrote it.

18 Q Did Mr. Butler write that at your
19 request?

20 A No.

21 Q Did you and Mr. Butler discuss the fact
22 you had reservations about giving up your right
23 to run as a fire commissioner?

24 A Yes.

ADAM CROWN by MR. SHAHAN

63

1 Q Did you specifically ask that be included
2 in the letter?

3 A No.

4 Q Did you initial that change to the
5 letter?

6 A I did.

7 Q Did you sign the letter?

8 A Yes, I did.

9 Q I'm going to hand you what's been marked
10 for identification purposes as Exhibit 17. Do
11 you recognize that?

12 A Yes.

13 Q What is that?

14 A I believe this is an editorial I
15 published on a blog for --

16 Q Was a link to your blog ever placed on
17 the fire company's website?

18 A I believe so, yes.

19 Q Who placed it there?

20 A I'm sorry?

21 Q Do you know who placed it there?

22 A No.

23 Q And in this editorial, you refer to a
24 "pattern of the maladministration and misconduct

ADAM CROWN by MR. SHAHAN

64

1 ---

2 A Yes.

3 Q "-- which has run rampant in the fire
4 district in recent years." Do you see where it
5 says that?

6 A Where were you reading?

7 Q Page 1, third paragraph.

8 A Okay. Go ahead, yes.

9 Q That's something you wrote, correct?

10 A That is right.

11 Q Anyone in the fire district ever make any
12 effort to prevent you from writing that?

13 A No.

14 Q Anyone in the fire district ever make any
15 effort to take down your blog site other than
16 removing it from the fire department's website?

17 A I don't know.

18 Q Was there ever any attempts to take down
19 your blog?

20 A I don't know.

21 Q None that you're aware of?

22 A None that I'm aware of.

23 Q Since leaving the Danby Fire Department,
24 have you made any efforts to join the other fire

ADAM CROWN by MR. SHAHAN

65

1 companies?

2 A Yes.

3 Q What fire companies have you attempted to
4 join, if any?

5 A Slaterville Springs.

6 Q Where is Slaterville Springs located?

7 A South of Ithaca.

8 Q How far from your home?

9 A Approximately five to six miles.

10 Q Did you fill out an application?

11 A Yes.

12 Q What was the result of your application?

13 A My membership was declined.

14 Q Was it declined by a vote of the company
15 or was it declined by a membership committee?

16 A I don't know.

17 Q Did you ever find out why it was
18 declined?

19 A I'm sorry?

20 Q Did you ever find out why it was
21 declined?

22 A No.

23 Q Did you fill out any other applications?

24 A No.

ADAM CROWN by MR. SHAHAN

66

1 Q Who provides fire, first response fire
2 service to your address?

3 A Danby Fire Department.

4 Q Do you know whether or not they contract
5 that out to Brooktondale?

6 A Yes, they subcontract to Brooktondale.

7 Q Did you ever attempt to join the
8 Brooktondale Fire Department?

9 A No. Actually, come to think of it, I did
10 go to Brooktondale.

11 Q Did you fill out an application?

12 A I don't remember, but I did go over and
13 talk to the chief and get a tour of the station
14 and that sort of thing.

15 Q Okay. Can you tell me how you have been
16 caused to suffer humiliation?

17 A I'm sorry?

18 Q Can you explain to me how you have been
19 caused to suffer humiliation?

20 A Being accused of something I was innocent
21 of is humiliating.

22 Q Any other reason?

23 A I don't know.

24 Q How about anguish?

ADAM CROWN by MR. SHAHAN

67

1 A I'm sorry, what's your question?

2 Q How about anguish; how have you been
3 caused to suffer anguish? What anguish have you
4 suffered?

5 A Extensive loss of sleep.

6 Q When did you suffer extensive loss of
7 sleep?

8 A Starting around 2009.

9 Q What was the cause of your loss of sleep?

10 A I was worried about the things that were
11 going on at the fire department.

12 Q Can you be a little more specific about
13 those things going on with the fire department?

14 A I'm not sure how to be more specific.

15 Q If you can't be more specific, you can't
16 be more specific.

17 A I knew that not having a good fire and
18 rescue company was putting a community at
19 unnecessary risk.

20 Q Were you aware --

21 A And --

22 Q Go ahead. I'm sorry.

23 A I was concerned that some person or one
24 of my colleagues in the fire company would be

ADAM CROWN by MR. SHAHAN

68

1 injured, or worse, and that's the only way I was
2 going to prevent that was to confront the
3 management of the fire company. And I know I was
4 going to take a lot of flack for that if I did.
5 That's just off the top of my head.

6 Q And this was starting in 2009?

7 A I beg your pardon?

8 Q This was starting in 2009?

9 A Yes.

10 Q Were you aware of any member of the
11 public who has been injured as a result of a
12 failure in the event of the Danby Fire Company?

13 A No.

14 Q No one has ever told you they have been
15 injured as a result of the Danby Fire Company?

16 A Outside of the company?

17 Q Correct.

18 A No.

19 Q Has anyone ever filed a lawsuit against
20 the Danby Fire Company that alleged negligence
21 that caused harm?

22 A I don't know.

23 Q Has anyone ever made complaints, to your
24 knowledge, to the Department of Health they were

ADAM CROWN by MR. SHAHAN

69

1 caused harm by the Danby Fire Company?

2 A Not to my knowledge.

3 Q Anyone ever make a complaint to you their
4 house was caused to be more damaged than it need
5 be by a fire as a result of the actions of the
6 Danby Fire Company?

7 A No.

8 Q Anyone ever tell you that they were
9 suffering an exacerbation of an injury in a motor
10 vehicle accident because of some conduct of the
11 Danby Fire Company?

12 A No.

13 Q According to your complaint, paragraph
14 17, you --

15 A I'm sorry, I can't hear.

16 Q According to your complaint, paragraph
17 17, you went door-to-door speaking to people,
18 handed out flyers and sent e-mails as part of
19 your two campaigns for election to the District
20 Board of Commissioners?

21 A Yes.

22 Q Do you see where it says that? Does that
23 refresh your recollection with regard to when you
24 ran for a position as a commissioner?

ADAM CROWN by MR. SHAHAN

70

1 A Yes.

2 Q Was that 2008 and 2009?

3 A That is correct.

4 Q And you were unsuccessful in both
5 occasions?

6 A That is correct.

7 Q And anybody at the Danby Fire District
8 ever prevent you from going door-to-door?

9 A No.

10 Q Anybody from the Danby Fire District ever
11 prevent you from handing out flyers?

12 A No.

13 Q Anybody from the Danby Fire District ever
14 impede your campaign in any way?

15 A No.

16 Q Anybody that you're aware of?

17 A No.

18 Q Anybody ever come to and you tell you
19 they felt your campaign was being impeded by the
20 Danby fire commissioners?

21 A No.

22 MR. SHAHAN: Those are all of the
23 questions I have right now. I'm going to
24 let Mr. Hannigan ask you questions, and I'm

ADAM CROWN by MR. HANNIGAN

71

1 going to go through my notes and make sure
2 I didn't forget anything.

3 EXAMINATION BY

4 MR. HANNIGAN:

5 Q Good afternoon, Mr. Crown, my name is
6 Terry Hannigan. I represent Mark Butler in
7 connection with a lawsuit you brought.

8 Same admonitions go, if you don't
9 understand a question, bring it to my attention,
10 I'd be happy to repeat it or rephrase it. If you
11 do answer a question I'm going to assume, I think
12 it's fair we all assume, you understood the
13 question. If you need the question repeated,
14 I'll be happy to do that for you.

15 If you need to speak with Mr. Isseks at
16 any point, bring it to my attention. You're not
17 entitled to take a break to speak to him between
18 a question and answer, all right? Do you
19 understand what I'm saying?

20 A Yes.

21 Q Okay. Who was it that you ran against
22 unsuccessfully in 2008?

23 A I don't remember. I think it was Richard
24 Oliz.

ADAM CROWN by MR. HANNIGAN

72

1 Q Okay. How about in 2009, who did you run
2 against unsuccessfully then?

3 A I don't remember. Actually Richard Oltz
4 may have been 2009, I don't remember which is
5 which.

6 Q Okay. Now you joined the fire service in
7 2007; is that correct?

8 A That is correct.

9 Q And the Danby Fire Company was the first
10 of fire companies you were ever affiliated with;
11 is that correct?

12 A Yes.

13 Q Did you know what time of year it was in
14 2007 when you joined?

15 A January.

16 Q And when did you complete Firefighter 1?

17 A I'm sorry?

18 Q When did you complete your Firefighter 1
19 training?

20 A I believe it was in April.

21 Q Of 2007?

22 A Yes.

23 Q When does the Danby Fire Company conduct
24 its company elections and nominations as chief?

ADAM CROWN by MR. HANNIGAN

73

1 A December usually.

2 Q Summer?

3 A December.

4 Q Oh, December. Okay. Did you run for
5 office on a company level in December 2007?

6 A No.

7 Q Did you ever hold office, either civil or
8 line officer office, in the Danby Fire Company?

9 A No.

10 Q Did you ever run for civil or line
11 officer office?

12 A No, I don't think so.

13 Q Now, who was -- I apologize, I'm a little
14 confused with my recording of some of your
15 answers.

16 Was Ms. Truttman a member of the Danby
17 Fire Company before you became a member?

18 A No.

19 Q To gain membership to the Danby Fire
20 Company, do you have to be sponsored by a member?

21 A I don't think so.

22 Q Do you have to have a reference? Does
23 the application require references from current
24 members of the Danby Fire Company?

ADAM CROWN by MR. HANNIGAN

74

1 A I don't remember.

2 Q Did you object to Ms. Truttman's
3 obtaining membership when she first made
4 application?

5 A No.

6 Q Did you object to Ms. Truttman's
7 completion of her -- withdrawn.

8 Did you object to Ms. Truttman becoming a
9 full member after the completion of her
10 probationary period?

11 A Yes.

12 Q You say it was a six-month probationary
13 period?

14 A I think that's correct.

15 Q And I'm looking at Exhibit 3, which is an
16 e-mail from you to Mr. Borden; is that correct?

17 A Yes.

18 Q And what's the date of that e-mail?

19 A April 20, 2008.

20 Q Now, is that contemporaneous with the
21 time of the vote on Ms. Truttman to come off of
22 probation and become a full-fledged member of the
23 Danby Fire Company?

24 A Yes.

ADAM CROWN by MR. HANNIGAN

75

1 Q Can you tell me or estimate within reason
2 how long was it before or after Ms. Truttman came
3 off probation that that e-mail was written?

4 A I don't recall. I would guess it would
5 be pretty close to the time of the meeting.

6 Q Are we talking days or weeks?

7 A Days, I would guess.

8 Q And in April of 2008, your relationship
9 with Ms. Truttman had already debased itself to a
10 point where you were no longer business partners;
11 is that correct?

12 A We were never business partners, we were
13 involved in a not-for-profit corporation.

14 Q Well, were you involved in an endeavor
15 with the Common Horse Sanctuary?

16 A Yes.

17 Q Do you consider that something other than
18 a business pursuit?

19 A Well, it's not-for-profit.

20 Q So, you would call it a not-for-profit
21 pursuit?

22 A Yes.

23 Q Had your relationship with Ms. Truttman
24 over the not-for-profit pursuant debased itself

ADAM CROWN by MR. HANNIGAN

76

1 by 2008?

2 A I don't understand your question.

3 Q Do you understand the word debased?

4 A I'm not sure what you mean by it.

5 Q At some point in time you and Ms.

6 Truttman had a relationship concerning a

7 not-for-profit venture; is that correct?

8 A That is correct.

9 Q You had some understanding, contractual
10 or otherwise, did you not?

11 A Yes.

12 Q And at some point in time that
13 relationship ended; is that fair?

14 A Yes, that's correct.

15 Q Did that relationship with the
16 not-for-profit venture end before April 2008?

17 A No.

18 Q As of April 2008, were the two of you
19 involved in the venture to make the recording?

20 A No, I don't think so.

21 Q Had that ended before April 2008?

22 A Yes.

23 Q Were you still, were the two of you still
24 involved in the Common Horse Sanctuary in April

ADAM CROWN by MR. HANNIGAN

77

1 2008?

2 A I'm not sure when it really terminated.

3 Q Is there a date or an event you would
4 look to see when the relationship terminated?

5 A I could check our reports.

6 Q What would you be looking for?

7 A Minutes of our meetings.

8 Q You're not-for-profit corporations had
9 meetings?

10 A Yes.

11 Q How frequently or infrequently did you
12 have meetings?

13 A Very infrequently. I don't remember
14 exactly.

15 Q Did your not-for-profit corporation file
16 IRS 990 returns?

17 A I'd have to check with our secretary.

18 Q Who is your secretary?

19 A (Indicating).

20 Q You have to verbalize.

21 A My wife.

22 Q Can you identify her for the record?

23 A Kathleen Crown.

24 Q How many directors were there?

ADAM CROWN by MR. HANNIGAN

78

1 A Three.

2 Q Yourself, your wife and Ms. Truttman?

3 A That is correct.

4 Q Were there any other officers or
5 shareholders of the corporation?

6 A No.

7 Q Were there any employees of the
8 corporation?

9 A No.

10 Q Did you dissolve the corporation at some
11 point?

12 A No.

13 Q You indicate, I believe, in response to a
14 question Mr. Shahan asked you, that you had
15 discussion with Simon Wyatt and told him about
16 contradictions in Ms. Truttman's behavior?

17 A Yes.

18 Q Do you remember an answer to that effect?

19 A Yes.

20 Q Did I fairly repitulate that?

21 A That's fine.

22 Q What were the contradictions in her
23 behavior you told Mr. Wyatt about?

24 A I pointed out times when she lied about

ADAM CROWN by MR. HANNIGAN

79

1 things. I pointed out times when she failed to
2 keep her word on things.

3 Q Did that relate to fire company or fire
4 department business?

5 A Some of them.

6 Q Give me an example of one.

7 A I'm sorry, it's been a long time, I might
8 have to look that up in my notes.

9 Q What would you be looking at to reference
10 that?

11 A E-mails to see if I had anything that I
12 sent to Simon.

13 Q Did you have a similar discussion --
14 sorry.

15 Did you have a similar communication with
16 Linda Wyatt concerning Ms. Truttman's behavior?

17 A Yes.

18 Q Did you have communications with anybody
19 other than Simon Wyatt and Linda Wyatt about Ms.
20 Truttman's contradictions in her behavior?

21 A Yes.

22 Q To whom?

23 A With my wife.

24 Q Anyone else?

ADAM CROWN by MR. HANNIGAN

80

1 A Sarah Wyatt.

2 Q Sarah Wyatt?

3 A Sarah Wyatt.

4 Q Sarah Wyatt, I'm sorry.

5 A And I think Tim Wyatt. Let me think, is
6 there anything else. I don't recall anyone else.

7 Q Before you came here today, had you ever
8 seen Crown Exhibit 2, which is the letter
9 authored by Simon Wyatt?

10 A I'm sorry, what was your question?

11 Q Before you came here today, have you ever
12 seen that?

13 A This letter (indicating)?

14 Q That is Exhibit 2.

15 A No. No.

16 Q Do you know generally what the subject
17 matter of that letter is, having read it today?

18 A Not really.

19 Q Can you tell from your own review of that
20 letter whether Mr. Wyatt is endorsing or opposing
21 Ms. Truttman's application?

22 A He seems to be endorsing Ms. Truttman.

23 Q Is there any doubt in your mind that
24 letter relates to Ms. Truttman and her membership

ADAM CROWN by MR. HANNIGAN

81

1 in the Danby Fire Company in coming off the
2 probationary period?

3 A No. It appears to be directed towards
4 that.

5 Q You understand -- withdrawn.

6 It's your understanding that, and it was
7 your experience, was it not, that after six
8 months of probationary membership, the membership
9 would again vote on whether a particular person
10 should remain a member of the Danby Fire Company?

11 A Yes.

12 Q When was the first time you met Mark
13 Butler?

14 A He taught a class called legal issues in
15 the fire service that I attended.

16 Q Where did you take that?

17 A At the fire academy in Montour Falls.

18 Q When did you take that?

19 A I don't recall the date.

20 Q Was it in 2007, your first year?

21 A I'm sorry, I don't remember.

22 Q Do you know if it was before or after the
23 first time you ran for commissioner?

24 A I don't remember.

ADAM CROWN by MR. HANNIGAN

82

1 Q Do you know how long the course was, how
2 long it took?

3 A I don't recall. I think it was either a
4 one or two-day course.

5 Q And as part of that course, did Mr.
6 Butler ask you to, in the very beginning of the
7 course, identify yourself, your fire department
8 membership and how many years you have been
9 involved in the fire service?

10 A I don't remember, probably.

11 Q Do you have any idea what your response
12 was with respect to how many years you have been
13 in the fire service, when and if you were asked
14 that question?

15 A No.

16 Q Did you take legal issues before or after
17 you completed Firefighter I?

18 A It was after.

19 Q Did you take it before or after you
20 completed Fire Officer 1?

21 A I don't remember.

22 Q Did you ever take a course called
23 Introduction to Fire Officer?

24 A Yes.

ADAM CROWN by MR. HANNIGAN

83

1 Q And you didn't mention that in the
2 listing of courses.

3 A Sorry.

4 Q You took Intro to Officer and you took
5 Fire Officer I?

6 A Yes.

7 Q Where did you take Intro to Fire Officer?

8 A That was at the local --

9 Q Was that at the county?

10 A Yes.

11 Q The county training facility for what
12 county?

13 A Tompkins County.

14 Q And where did you take Fire Officer II?

15 A At the academy.

16 Q That's the Academy of Fire Science in
17 Montour Falls?

18 A That is correct.

19 Q What county is that in?

20 A I don't know.

21 Q Is it in Tompkins County?

22 A I don't know.

23 Q Where did you take fire investigation?

24 A At the academy.

ADAM CROWN by MR. HANNIGAN

84

1 Q How about truck company ops, operations?

2 A That was county.

3 Q Calling Mayday?

4 A County.

5 Q Building construction?

6 A County.

7 Q Was that noncombustible, building
8 construction noncombustible?

9 A Yes.

10 Q Do you have a copy of your training
11 record?

12 A Yes.

13 Q When was the last -- when was the last
14 course you took before you enrolled in Fire
15 Officer III?

16 A Sorry, I don't remember.

17 Q Can we agree you were enrolled in fire
18 officer in January 2010?

19 A Yes.

20 Q Did that course begin in January 2010?

21 A I think so.

22 Q Do you recall what the last county course
23 was that you took?

24 A I don't recall.

ADAM CROWN by MR. HANNIGAN

85

1 Q Did you take any training courses in
2 2009?

3 A Yes.

4 Q Do you know what course you took in 2009?

5 A No, I'm sorry.

6 Q I think you already, I may have been
7 mistaken, were you able to state when you took
8 legal issues?

9 A No.

10 Q You're not sure about that. But you
11 definitely took it at the Academy of Fire
12 Science?

13 A Correct.

14 Q Is that the only course you took with
15 Instructor Butler?

16 A Yes.

17 Q Did you have any communications with
18 Instructor Butler after the course was completed?

19 A No.

20 Q Did he, at the completion of the course,
21 did Instructor Butler give you an e-mail address
22 and phone number to contact him if you had any
23 questions?

24 A No.

ADAM CROWN by MR. HANNIGAN

86

1 Q At the time you took legal issues, were
2 you aware that Instructor Butler was the counsel
3 to the Danby Fire District?

4 A No.

5 Q When did you first become aware Mr.
6 Butler was counsel to Danby Fire District?

7 A I don't remember. His name was on a
8 legal document representing the district, maybe
9 it was something they sent me. I don't remember,
10 it was sometime later.

11 Q Take a look at Exhibit 10, if you would.
12 I apologize having to shuffle paper across the
13 table.

14 A That's fine.

15 Q Were you aware that Mr. Butler was
16 counsel to the fire district before March of, the
17 March 14, 2010 e-mail from Diana Bowles?

18 A I might have been.

19 Q You received the e-mail from Ms. Bowles,
20 that's Exhibit 10?

21 A That is correct.

22 Q Did you ever file a complaint against Mr.
23 Butler with 8th Judicial District?

24 A Oh, I wonder if that's -- I'm not sure.

ADAM CROWN by MR. HANNIGAN

87

1 Q Did you ever file a complaint with Mr.
2 Butler with some type of oversight agency with
3 attorneys and judges?

4 A Yes.

5 Q When did you do that?

6 A Subsequent to the events of March 23,
7 2010.

8 Q Did Mr. Butler ever represent you in a
9 legal capacity?

10 A No.

11 Q What was your basis for the complaint
12 with the determining oversight committee?

13 A I don't recall the details right offhand,
14 I can produce that for you if you'd like.

15 Q Generally, what was the nature of your
16 complaint?

17 A That he did not conduct himself
18 according, with their standards in terms of his
19 relationship with me at the March 23, 2010
20 meeting.

21 Q And what specifically did you contend --
22 withdrawn.

23 How was it that you state he did not
24 comport with the Standards of Professional

ADAM CROWN by MR. HANNIGAN

88

1 Conduct in the review?

2 A The one thing that I recall specifically
3 is that I believe it states attorneys are not
4 allowed to use the threat of criminal charges as
5 leverage in a civil manner. And so that one I
6 remember exactly.

7 I went through their code and that's what
8 I found there.

9 Q You did some research with respect to the
10 Code of Professional Responsibility or whatever
11 the ethical code was at the time?

12 A I read it.

13 Q Have you had some training as a paralegal
14 then?

15 A That came later, that's --

16 Q And in fact, some of your correspondence,
17 for example, Exhibit 12, you cite statutory
18 authority, do you not?

19 A Yes.

20 Q And is that as a result of research you
21 did?

22 A Yes.

23 Q What's the date on that correspondence?

24 A March 12, 2009.

ADAM CROWN by MR. HANNIGAN

89

1 Q That was a year before your dealings with
2 Mr. Butler; is that right?

3 A I'm sorry. I'm not sure what you mean.

4 Q Your first encounter with Mr. Butler,
5 other than an educational setting, was in March
6 of 2010; is that correct?

7 A That is correct.

8 Q March of 2009, at least through what we
9 have before us is Exhibit 10 -- that is 10,
10 right?

11 A 12.

12 Q 12, I'm sorry. There's some indicia you
13 had some ability to research and cite authority;
14 is that correct?

15 A That is correct.

16 Q And in fact, Exhibit 16, which was your
17 e-mail exchange with Chief Gaden, you also cited
18 the New York State Town Law with respect to the
19 authority of chiefs; isn't that right?

20 A That is correct.

21 Q And as I read Exhibit 16, in the second
22 -- I believe it's the second paragraph from the
23 bottom. You request that the chief provide you
24 with a notice of charges?

ADAM CROWN by MR. HANNIGAN

90

1 A Yes.

2 Q And was that done on March the 23, 2010?

3 A Yes.

4 Q And what's the date of that e-mail to
5 Chief Gaden?

6 A March 10, 2010.

7 Q Now, when you arrived at the firehouse on
8 March 23rd, was the meeting of the Board of Fire
9 Commissioners already in session?

10 A I don't recall.

11 Q Had you attended meetings of the Board of
12 Fire Commissioners on prior occasions?

13 A Yes.

14 Q How generally do they commence the
15 meetings?

16 A I'm not sure I can say.

17 Q Does the chairman call the meeting to
18 order?

19 A Yes.

20 Q And do you know if you were at the
21 meeting on March 23rd when the chairman called
22 the meeting to order?

23 A I think I was, yes.

24 Q And then at some point did that meeting

ADAM CROWN by MR. HANNIGAN

91

1 retire into executive session?

2 A Yes.

3 Q Were you invited into the executive
4 session?

5 A Yes.

6 Q Were you given explanation as to why the
7 board was retiring to executive session?

8 A No.

9 Q Did you understand when they were going
10 into executive session it was to discuss the
11 matter of the charges against you?

12 A Yes.

13 Q And were you aware of that -- withdrawn.

14 Anybody besides you go into executive
15 session, besides you and the board, with Mr.
16 Butler?

17 A Not to my knowledge.

18 Q When you went into executive session, did
19 the board, when the board went into executive
20 session, did they leave the meeting room where
21 the meeting customarily was held and go into
22 another room?

23 A Yes.

24 Q And you went with them?

ADAM CROWN by MR. HANNIGAN

92

1 A Yes.

2 Q And was it at that point in time you
3 produced a recorder to record the executive
4 session?

5 A Pretty much.

6 Q And were you told they don't record
7 executive sessions, recording is not permitted?

8 A Yes.

9 Q Did Mr. Butler tell you that?

10 A Yes.

11 Q Did he tell you that's a matter of
12 policy, the district doesn't allow tape recording
13 of executive sessions?

14 A I believe that's what he said.

15 Q Did you accept that explanation?

16 A I'm not sure what you mean.

17 Q Did you turn off the recorder at that
18 point in time?

19 A Yes.

20 Q And based upon your training and legal
21 issues with the fire service, are you aware the
22 Board of Fire Commissioners has the authority to
23 set rules and policies of the fire company?

24 A Yes.

ADAM CROWN by MR. HANNIGAN

93

1 Q Did you accept the fact that the board,
2 as a matter of policy, does not allow recording
3 in executive session as one of those policies?

4 A Did I accept it?

5 Q Did you accept it, did you understand
6 that to be the case?

7 A I know I understood that, yes.

8 Q I think you indicated that during the
9 course of the executive session, you were
10 presented with the charges; is that correct?

11 A That is correct.

12 Q And then did the board then return to the
13 regular meeting?

14 A Yes.

15 Q Did you have any discussion with any of
16 the board members before they left executive
17 session and returned to the regular meeting?

18 A No.

19 Q Did you have a discussion with Mr. Butler
20 in the presence of the board before they returned
21 to the regular meeting?

22 A I don't think so.

23 Q Did you, during the course of the
24 executive session, were you given the charges and

ADAM CROWN by MR. HANNIGAN

94

1 the notice of hearing, which are Exhibit 11?

2 MR. HANNIGAN: Is that the notice of
3 hearing?

4 MR. SHAHAN: Yep.

5 MR. HANNIGAN: Is that the charges,
6 too?

7 MR. SHAHAN: Yep.

8 A I'm sorry. What's the question again?

9 Q During the course of executive session,
10 were you given a copy of Exhibit 11?

11 A Yes.

12 Q Did you review it in executive session?

13 A Did I review it?

14 Q Did you personally review it?

15 A Yes.

16 Q At any point in that evening, did you
17 show it to Linda Wyatt?

18 A I don't recall.

19 Q At any point in that evening, did you
20 read it to your wife over the phone or otherwise?

21 A I don't recall.

22 Q Did you discuss the matter of what was
23 contained in the notice of charges or statement
24 of charges and the notice of hearing with anybody

ADAM CROWN by MR. HANNIGAN

95

1 other than Linda Wyatt and your wife that
2 evening?

3 A No.

4 Q Where did you have your discussion with
5 Linda Wyatt?

6 A In the corridor between the general
7 meeting room and the room we held the executive
8 session.

9 Q Was Linda Wyatt waiting outside of the
10 room where the executive session was when the
11 door was open?

12 A I don't know.

13 Q Did she ever say she was attempting to
14 listen to what was going on in executive session?

15 A I don't recall.

16 Q Did she ever tell you that?

17 A I don't think so.

18 Q After the board returned to the regular
19 meeting, did you remain and have a discussion
20 with Mr. Butler?

21 A I'm sorry?

22 Q After the board returned to the regular
23 meeting, did you remain in the conference room
24 and have a discussion with Mr. Butler?

ADAM CROWN by MR. HANNIGAN

96

1 A Yes.

2 Q And did Mr. Butler say anything to you
3 about the manner about what change is effected in
4 the fire service?

5 A I'm sorry.

6 Q Did Mr. Butler have any discussion with
7 you as to how change is effected in the fire
8 service?

9 A Yes.

10 Q And what do you recall him saying
11 specifically?

12 A I think he said that, no, wait, I don't
13 want to misremember this. He said I had
14 alienated too many people.

15 Q Did he say anything about change being
16 effected in a participatory, rather than
17 adversarial, confrontational fashion?

18 A No.

19 Q Did he say anything to you about
20 effecting change in a participatory and
21 contributory fashion, rather than a
22 confrontational and challenging fashion?

23 A No.

24 Q Did you ask Mr. Butler what was going to

ADAM CROWN by MR. HANNIGAN

97

1 happen if the charges were levied?

2 A I'm sorry?

3 Q Did you ask Mr. Butler what was going to
4 happen if the charges were levied against you?

5 A No, not really.

6 Q Did you understand what the process was
7 once the initiation of charges was levied?

8 A Yes.

9 Q That necessarily involved a hearing?

10 A You're talking about the departmental
11 charges?

12 Q I'm talking about the district's charges,
13 the ones in your hand.

14 A It's 11.

15 Q 11. Did you know what the process was?

16 A Yes.

17 Q Had you actually -- had that been part of
18 the curriculum of legal issues when you took it
19 at the fire academy?

20 A No.

21 Q Was there any instruction at all on
22 209(L), General Municipal Law 209(L), in the
23 Legal Issues I curriculum?

24 A I don't recall spending very much time on

ADAM CROWN by MR. HANNIGAN

98

1 it, no.

2 Q Do you remember spending any time on it?

3 A I can't recall.

4 Q Did you know that evening, the evening of
5 March 23rd, you would be entitled to hearing?

6 A Did I know that at the time?

7 Q Yes.

8 A Yes.

9 Q Did you know you would be entitled to be
10 represented by counsel?

11 A Yes.

12 Q And did you know you would be entitled to
13 call witnesses?

14 A Yes.

15 Q You understood this during the course of
16 the executive session, or the period of time you
17 were meeting with Mr. Butler; is that right?

18 A Yes.

19 Q Yet, at some point in time you opted to
20 resign instead of going forth with the hearing;
21 is that right?

22 A No.

23 Q You did not agree to resign on March
24 23rd?

ADAM CROWN by MR. HANNIGAN

99

1 A That's not why I agreed to resign.

2 Q Did you agree to resign on March 23,
3 2010?

4 A I signed a document.

5 Q Was that document a resignation?

6 A It was.

7 Q And did you submit that resignation to
8 the Board of Fire Commissioners as your
9 resignation from the fire district.

10 A Yes.

11 Q And it bears your signature; is that
12 right?

13 A Yes.

14 Q And there was a handwritten change, I
15 think you attributed to Mr. Butler, that
16 indicated, in words or substance, the resignation
17 would not affect your ability to run for fire
18 commissioner at any time in the future; is that
19 correct?

20 A That is correct.

21 Q That's a change you requested?

22 A No.

23 Q Was being able to run for fire
24 commissioner a concern you raised in your meeting